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Dated: August 27, 2004

Signature:

(Lisa J. Michaud)

Docket No.: 101896-275 (DEP-5240)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Robert E. Simonson  
Application No.: 10/024,221 Conf. #: 2150  
Filing Date : October 30, 2001  
Title : NON CANNULATED DILATORS

Group Art Unit: 3731

Examiner: K. T. Truong

MS PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08 and enclosed herewith. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Please note that the following citations are commonly-owned applications on related inventions, the prosecution of which may be relevant to the pending application:

- U.S. Patent No. 6,159,179 entitled "Cannula and Sizing Insertion Method"
- U.S. Publication No. 2002-0123668 entitled "Retractor and Method for Spinal Pedicle Screw Placement"
- U.S. Publication No. 2003-0083688 entitled "Configured and Sized Cannula"
- U.S. Publication No. 2003-0187431 entitled "Apparatus and Method for Targeting for Surgical Procedures"
- U.S. Patent Application No. 10/165,991 of Simonson entitled "Cannula and Sizing Insertion Method" (a copy of this application is NOT enclosed herewith because this application is a Reissue of U.S. Patent No. 6,159,179, which is enclosed herewith)
- U.S. Publication No. 2003-0236447 entitled "Retractor and Method for Spinal Pedicle Screw Placement" (continuation-in-part of U.S. Publication No. 2002-01236688)

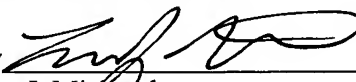
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

This Information Disclosure Statement is filed after filing a Request for Continued Examination (filed August 12, 2004) and thus before the mailing of a first Office Action on the merits. Accordingly, no fee is believed to be due. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-275.

Dated: August 27, 2004

Respectfully submitted,

By   
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Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	1	Attorney Docket Number	101896-275 (DEP-5240)
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**Complete if Known**

Application Number	10/024,221-Conf. #2150
Filing Date	October 30, 2001
First Named Inventor	Robert E. Simonson
Art Unit	3731
Examiner Name	K. T. Truong
Attorney Docket Number	101896-275 (DEP-5240)

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 2002/0123668	09-05-2002	STEPHEN RITLAND	
		US 2003/0083688	05-01-2003	ROBERT E. SIMONSON	
		US 2003/0187431	10-02-2003	ROBERT E. SIMONSON	
		US 2003/0236447	12-25-2003	STEPHEN RITLAND	
		US 6,159,179	12-12-2000	ROBERT E. SIMONSON	
		US Appl. 10/165,991	06-10-2002 (filing date)	ROBERT E. SIMONSON	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Sofamor Danek, "MED MicroEndoscopic Discectomy System" (1997)	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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